

**From:** Mike Hill  
**To:** Microsoft ATR  
**Date:** 12/7/01 6:02pm  
**Subject:** Microsoft Settlement

I feel that many of the proposed "settlements" flat out make Microsoft's position better. They have been found guilty of anti-competitive behaviour, and now you are allowing them to compose the terms of the punishment. What is that about?

Specifically, allowing them to give computers and software to schools only servers to further entrench their presence. Fine if they want to do this on their own, but not as part of a punishment.

Allowing them to determine who they get to provide API information to is just ridiculous. Many of Microsoft's own internal documents point to linux as "the long term threat" to windows. Under terms of the settlement, Microsoft only has to provide this information to businesses that live up to Microsoft's standard of a business. Why should Microsoft be allowed to determine who is a good business? Not only does this affect not-for-profit companies like SAMBA and Apache, but could also be manipulated to be anyone that Microsoft sees as a competitive threat.

Remember, they are guilty of anti-competitive behaviour. Anti-business. Time and again they have manipulated the wording of contracts to their benefit. Apple made the mistake of signing a contract which Microsoft drew up saying they wouldn't imitate the Apple OS in the then current version of Windows. So Apple got screwed on later versions.

You have to be living in a cave if you are not aware that free software and the open source movement is the biggest alternative to Windows on the home PC market. How many other operating systems can run on your computer at home, especially now that BeOS has been discontinued?

Any settlement that allows Microsoft to keep open source companies from receiving the same information that any other developer can access is absolutely flawed. It is, in fact, a settlement - not a punishment. They are guilty, remember. If their OS is as top-flight as they claim, then they should have nothing to worry about from little companies whose yearly revenue don't match MS's advertising budget.

Finally, steps must be taken to ensure that Microsoft is no longer able to exert such incredible control over OEM's. Microsoft exerts absolute authority on what software and/or modifications these computer manufacturers can make to the Window's desktop. They also prevent them from selling multi-OS machines, meaning machines that can boot into more than one operating system.

Remember, Bill Gates is a lawyer's son. Microsoft has reached its position

not by developing great software, but by outwitting companies with their contractual law. Typically these companies fail to grasp the nature of the computer software industry. Don't fall into the same trap.

Mike Hill